

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	
)	
v.)	CIVIL ACTION NO. 2:07cv240-MHT
)	
FIFTY FOUR THOUSAND (\$54,000))	
DOLLARS IN UNITED STATES)	
CURRENCY; and,)	
)	
FIVE THOUSAND FOUR HUNDRED)	
THIRTY SIX AND 33/100)	
(\$5,436.33) DOLLARS IN UNITED)	
STATES CURRENCY,)	
)	
DEFENDANTS.)	

REQUEST TO ENTER DEFAULT

To: DEBRA P. HACKETT, CLERK OF THE COURT

The United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, hereby requests that you enter a default, pursuant to the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims and Rule 55(a) of the Federal Rules of Civil Procedure, against Gerard Burdette and all other persons and entities having an interest in the Defendant currency, for failure to file a claim or answer, or otherwise defend as provided for in the manner set forth in 18 U.S.C. § 983(a)(4)(A) and Supplemental Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims.

Respectfully submitted this the 9th day of October, 2007.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

/s/John T. Harmon
John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
131 Clayton Street
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280
Facsimile: (334) 223-7560
E-mail: John.Harmon@usdoj.gov
Bar Number: 7068-II58J

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DECLARATION IN SUPPORT OF
REQUEST TO ENTER DEFAULT

1. I, John T. Harmon, am an Assistant United States Attorney and represent the United States of America (United States) in this action.

2. A Verified Complaint for Forfeiture In Rem was filed on March 16, 2007. The Complaint alleges that the Defendant currency constitutes monies furnished and intended to be furnished in exchange for controlled substances, represents proceeds of trafficking in controlled substances, and was used and intended to be used to facilitate violations of Title 21, United States Code, Sections 801 et seq., which is punishable by imprisonment of more than one year; therefore, the currency is subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 881(a)(6).

3. Pursuant to a Warrant and Summons for Arrest In Rem issued by this Court on March 23, 2007, all persons with an interest in the Defendant currency were required to file their claims with the Clerk of the Court within thirty (30) days of the execution of the Warrant and Summons for Arrest In Rem, publication of the Notice of Arrest, or actual notice of this action, whichever occurred first.

4. The United States Marshals Service for this District seized the Defendant currency on March 30, 2007.

5. Notice of said forfeiture action was published in the Montgomery Advertiser newspaper on April 9, 16, and 23, 2007.

6. On April 4, 2007, a United States Marshal attempted personal service on Gerard Burdette at 1336 Whisperwood Court, Montgomery, Alabama 36117. Notice as required by law was left at Gerard Burdette's place of residence and abode as identified by him. Pursuant to Rule G(4)(b)(iii)(E) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Claims ("Supplemental Rules") this notice was effective because Gerard Burdette was not incarcerated when notice was accomplished at the address Gerard Burdette gave to the agency seizing the defendant property.

7. On May 1, 2007, Kannan Sharp, Legal Secretary for Attorney Bruce Maddox, accepted service on behalf of Gerard Burdette, and was personally served by the United States Marshals Service with a copy of the Verified Complaint for Forfeiture In

Rem, Notice of Arrest and Seizure, and Warrant and Summons for Arrest In Rem. Pursuant to Rule G(4)(b)(iii)(B) of the Supplemental Rules this notice was effective as to Gerard Burdette because notice may be sent to the potential claimant or to the attorney representing the potential claimant in a related administrative forfeiture proceeding. Mr. Maddox represented Gerard Burdette in the administrative forfeiture proceeding related to this civil forfeiture in rem action. (See attached letters, claims and envelope copies regarding the related administrative forfeiture proceeding.)

8. Rule G of the Supplemental Rules governs forfeiture actions in rem arising from a federal statute. The present case is a forfeiture action in rem arising from Title 21, United States Code, Section 881(a)(6), a federal statute.

Rule G(4) of the Supplemental Rules is applicable to the notice required in these civil forfeiture actions. Rule G(4)(a) relates to Notice by Publication, which was accomplished in this case in accordance with the rule.

Rule G(4)(b) of the Supplemental Rules governs notice to known potential claimants. Rule G(4)(i) requires notice to persons who reasonably appear to be a potential claimant. Rule G(4)(b)(iii)(A) requires that notice be sent by means reasonably calculated to reach a potential claimant. Pursuant to the Supplemental Rules as stated herein, notice was sent by means reasonably calculated to reach a potential claimant.

9. Gerard Burdette has failed to file a claim or answer within the time permitted by applicable law.

10. Declarant knows of no reason why a default against Gerard Burdette and all other persons and entities having an interest in the Defendant currency should not now be entered.

I declare under penalty of perjury that the foregoing is true and correct.

Done this 9th day of October, 2007.

/s/John T. Harmon
John T. Harmon
Assistant United States Attorney
Office of the United States Attorney
Middle District of Alabama
131 Clayton Street
Post Office Box 197
Montgomery, Alabama 36101-0197
Telephone: (334) 223-7280
Facsimile: (334) 223-7560
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Bar Number: 7068-II58J

LAW OFFICES
OF
BRUCE MADDOX
6728 TAYLOR COURT
MONTGOMERY, ALABAMA 36117

BRUCE MADDOX

madatty@aol.com

PHONE: (334) 244-7333

FAX: (334) 260-9600

December 18, 2006

SENT VIA CERTIFIED MAIL

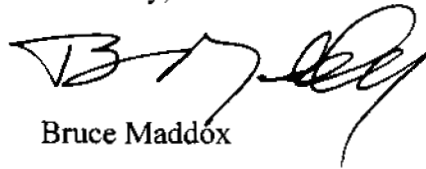
Forfeiture Counsel, Asset Forfeiture Section
Office of Operations Management
Drug Enforcement Administration
P.O. Box 1475
Quantico, Virginia 22134-1475

RE: Asset ID: 07-DEA-475386

To Whom It May Concern:

Please find enclosed a Claim in the above referenced matter. If you have any questions, please contact me at (334) 244-7333.

Sincerely,


Bruce Maddox

BM/ks

2007 DEC 19 10:03

Before the Drug Enforcement Administration

In the Matter of:


\$54,000.00 U.S. Currency
Asset ID# 07-DEA-475386
Case #: KI-05-0034

CLAIM

Before me the undersigned authority came Gerard Burdette, who under oath gives the following statement.

1. My name is Gerard Burdette. I give this statement as my claim to the Drug Enforcement Administration for an ownership interest in **\$54,000.00 U.S. Currency**, Identification Number **07-DEA-475386** which the Drug Enforcement Administration seized for forfeiture pursuant to Title 21, United States Code (U.S.C.) Section 881.
2. I am entitled to the lawful possession of said **\$54,000.00 U.S. Currency**, because I lawfully possessed it at the time of seizure.
3. I sign this claim under oath and subject to penalty of perjury.

DATED this the 18th day of December, 2006.


Gerard Burdette

10/9/06

STATE OF ALABAMA)

MONTGOMERY COUNTY)

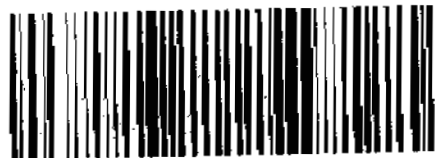
Before me the undersigned authority, a Notary Public for the State at Large, personally appeared **Gerard Burdette** known to me and who by me first duly sworn, deposes and says that the above statements are true and correct to the best of his knowledge and belief.


Gerard Burdette

SWORN to and SUBSCRIBED before me this the 18th day of December, 2006.


NOTARY PUBLIC

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Feb 17, 2014
WITNESSED TRUE NOTARY PUBLIC UNDERWRITING

CERTIFIED MAIL PS

7005603501-0001 0099 8614



22134

U.S. POSTAGE
PAID
MONTGOMERY, AL
36119
DEC 19, '06
AMOUNT
\$4.64
00047999-10

SENT VIA CERTIFIED MAIL
Forfeiture Counsel, Asset Forfeiture Section
Office of Operations Management
Drug Enforcement Administration
P.O. Box 1475
Quantico, Virginia 22134-1475

15 X-rayed
DEC 22 2000
L. J. ...

**RETURN RECEIPT
REQUESTED**

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REQUESTED**

LAW OFFICES
OF
BRUCE MADDOX
6726 TAYLOR COURT
MONTGOMERY, ALABAMA 36117

BRUCE MADDOX
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madatty@aol.com

PHONE: (334) 244-7333
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FAX: (334) 260-9600

December 18, 2006

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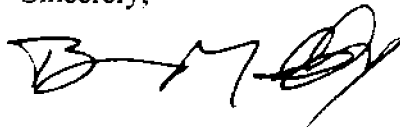
Forfeiture Counsel, Asset Forfeiture Section
Office of Operations Management
Drug Enforcement Administration
P.O. Box 1475
Quantico, Virginia 22134-1475

RE: Asset ID: 07-DEA-475382

To Whom It May Concern:

Please find enclosed a Claim in the above referenced matter. If you have any questions, please contact me at (334) 244-7333.

Sincerely,



Bruce Maddox

BM/ks

cc:1

Before the Drug Enforcement Administration

In the Matter of:

\$5,436.33 U.S. Currency
Asset ID# 07-DEA-475382
Case #: KI-05-0034

CLAIM

Before me the undersigned authority came Gerard Burdette, who under oath gives the following statement.

1. My name is Gerard Burdette. I give this statement as my claim to the Drug Enforcement Administration for an ownership interest in **\$5,436.33 U.S. Currency**, Identification Number **07-DEA-475382** which the Drug Enforcement Administration seized for forfeiture pursuant to Title 21, United States Code (U.S.C.) Section 881.
2. I am entitled to the lawful possession of said **\$5,436.33 U.S. Currency**, because I lawfully possessed it at the time of seizure.
3. I sign this claim under oath and subject to penalty of perjury.

DATED this the 18th day of December, 2006.


Gerard Burdette

004177


STATE OF ALABAMA)

MONTGOMERY COUNTY)

Before me the undersigned authority, a Notary Public for the State at Large, personally appeared **Gerard Burdette** known to me and who by me first duly sworn, deposes and says that the above statements are true and correct to the best of his knowledge and belief.


Gerard Burdette

SWORN to and SUBSCRIBED before me this the 18th day of December, 2006.


NOTARY PUBLIC NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Feb 17, 2014
BONDED THROUGH NOTARY PUBLIC UNDERSWITNESS

10/9/2006 10:00 AM

LAW OFFICES
OF

BRUCE MADDOX

6728 TAYLOR COURT

MONTGOMERY, ALABAMA 36117

CERTIFIED MAIL™



7005 0390 0001 0099 8621



0000

22134



U.S. POSTAGE
PAID
MONTGOMERY, AL
36119
DEC 19, 06
AMOUNT

\$4.64

00047999-10

SENT VIA CERTIFIED MAIL

Forfeiture Counsel, Asset Forfeiture Section

Office of Operations Management

Drug Enforcement Administration

P.O. Box 1475

Quantico, Virginia 22134-1475

**RETURN RECEIPT
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(16) X-Ray/Sec

DEC 22 2006

LLV-111300

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)	
DEFENDANTS.)	

ENTRY OF DEFAULT

It appearing that Kannan Sharp, Legal Secretary for Attorney Bruce Maddox, accepted service on behalf of Gerard Burdette from the United States Marshals Service of copies of the Verified Complaint for Forfeiture In Rem, Notice of Arrest and Seizure, and Warrant and Summons for Arrest In Rem on May 1, 2007, in accordance with Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Claims;

It appearing that notice of the United States Marshals Service's attempt to personally serve Gerard Burdette was left at his place of residence and abode on April 4, 2007, in accordance with Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Claims;

Gerard Burdette has failed to plead or otherwise defend as required by law.

DEFAULT hereby is entered against said **Gerard Burdette** and all other persons and entities having an interest in the Defendant currency this _____ day of _____, 2007.

CLERK, UNITED STATES DISTRICT COURT